H-1B Employee Orientation

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Today’s Agenda:

- Brief Introduction to OIA
- Overview of H-1B Status
- Employment
- Maintaining H-1B Status
- H-4 Dependents
- Traveling in H-1B Status
- Extending H-1B Status
- Transferring (Porting) H-1B Status
- Recapturing Time
- Legal Permanent Residency (LPR)
Overview of H-1B Status

• H-1B visa classification may be granted to a foreign national who will perform services (work) in a “specialty occupation”

• A specialty occupation requires theoretical and practical application of a body of highly specialized knowledge to fully perform the required duties. Specialty occupations require a bachelor’s or higher degree in a specific field as a minimum for entry into the occupation

• H-1B status is for temporary workers
Overview of H-1B Status

- Position may be a permanent one, but the beneficiary must be filling it temporarily (up to 6 years maximum)
- Prior time accrued in H-1B status is deducted from the six-year total (unless there has been a minimum of 12 consecutive months spent outside the U.S. between appointments)
- Tenure track positions may be filled by H-1B workers
- Application is employer based; worker cannot self-sponsor
- H-1B status is employer specific – beneficiary must work only for the employer that sponsors H-1B petition
Overview of H-1B Status

- Contact OIA immediately if there are any changes to your employment
  - Location, hours, job duties, rate of pay, etc.

- There is no formal grace period in H-1B status
  - H-1B workers may not enter the U.S. earlier than 10 days prior to start of employment.
  - When H-1B status/employment ends, you must leave the U.S. no later than the termination date or apply for a change of status prior to your status/employment end date
  - Employment is only permitted during period indicated on the I-797 Approval Notice
Employment

• Prior to employment, the H-1B worker must have the following documentation:
  ▪ H-1B Approval Notice (I-797) or I-797 Receipt Notice if Porting from another employer
  ▪ I-94 Arrival/Departure Card or Record

• Additional Employment
  ▪ A separate I-129 petition must be filed for each position

• Conferences and Lectures
  ▪ Beneficiaries may give lectures and speeches at other institutions, but **MAY NOT** receive payment
  ▪ Reimbursement for travel expenses and reasonable living expenses is allowed
Your “Class of Admission” should read: H-1B

The H-1B Approval Notice lists your dates of eligible employment

If you did a change of status or change of employer, your new I-94 card will be at the bottom of the I-797 Approval Notice.
Employment

• Obtaining a Social Security Number
  ▪ Employees must apply for a social security number to receive payment
  ▪ Proof of employment (appointment letter) and employment authorization (original Form I-797) are required at the time of application
  ▪ Additional information is available on the OIA website: https://internationalaffairs.uchicago.edu/ssn#howdoapply

• Health Insurance
  ▪ H-1B employees are eligible for University of Chicago health insurance coverage
  ▪ Additional information is available on the HR website: https://humanresources.uchicago.edu/benefits/healthwelfare/medical/
Maintaining Status

- Maintain Valid Immigration Documents
  - H-1B Approval Notice (I-797)
  - Passport - must be valid at all times
  - I-94 card/record – must be valid at all times
  - Visa sticker in passport – may expire while in U.S.

- Conduct Employment as Indicated in the Petition

- Address and/or Name Change
  - Report change of name or address to USCIS within 10 days: http://www.uscis.gov/ar-11
  - Report change of name or address to OIA within 10 days: international-affairs@uchicago.edu
Travel

Check the Expiration Date on your Visa Sticker Before You Travel!

• Visa stickers are only available outside of the U.S.

• Re-Entry to the U.S. requires:
  ▪ Valid passport
  ▪ Valid H-1B visa sticker
  ▪ Entire H-1B packet received from OIA
  ▪ Travel Letter (request from OIA 1 week before traveling)
  ▪ Employment confirmation letter from your department
Complete OIA’s Travel Re-Entry Form

Travel Re-Entry Form

This form and a copy of your recent admission stamp should be submitted to OIA whenever you or your dependents return from travelling outside of the U.S. Your adviser will verify the status in which you were admitted to the U.S. and your status end date. We will contact you if there are any issues with the documents. If you received a new Visa stamp while you were abroad, please include a copy of it.

First Name: *

Middle Name:

Last (Family) Name: *

Gender:

Date of Birth:
H-1B Visa and Admission Stamp
Electronic I-94 Record

- Confirms the details of your admission to the U.S.
- Retrievable online: https://i94.cbp.dhs.gov/I94
- The “Admit Until Date” should be that same as the end date listed on your I-797 Approval Notice
- Your “Class of Admission” should read: H-1B
- If your record does not list H-1B as your status or the expiration date listed on your I-797 Approval Notice, contact OIA immediately.
Dependent Travel

H-4 Dependents traveling without the H-1B Beneficiary need the following documents to re-enter U.S. and apply for a visa:

- Valid passport
- Valid H-4 visa sticker
- Copy of H-1B I-797 Approval Notice
- Copy of entire H-1B petition packet received from OIA
- Copies of H-1B’s passport, visa sticker and I-94 record if different from those filed with petition
- Marriage license, birth certificate or proof of adoption documents
Portability/Change of Employer

• If an employee has maintained valid H-1B status with their employer, they may begin working for the University of Chicago while the portability petition is pending once a Receipt Notice is received.
• There can be no gap in employment between the current employer and the employer filing a petition to port your H-1B status.
• If the petition filed by the University of Chicago is denied, portability work authorization is terminated.
• Travel during the portability period is strongly discouraged.
  ▪ If you must travel while petition to port is pending, contact OIA.
Extension of Status

- H-1B extensions are initiated by the department employing the H-1B worker
- OIA will contact the employee to request documents once the request is received
- An extension petition must be filed with USCIS prior to the expiration of the current H-1B status
- Approval Notice is not required to continue employment
  - May continue employment for 240 days on the basis of the Receipt Notice
- May receive an automated message from the Office of Financial Services regarding your extension
Recapture of H-1B Time

• As a general rule, days spent outside the U.S. while in H-1B status, will not be counted toward the six year maximum period of stay
• Any trip outside of the U.S. for 24 hours or more, may be “recaptured” and subtracted from the six year maximum duration
• Items that can be used to document time spent outside the U.S.:
  ▪ I-94 cards/records
  ▪ Entrance and exit stamps in passport
  ▪ Plan tickets and boarding passes
• OIA does not process applications for Lawful Permanent Residence (LPR). All LPR applications filed on behalf of the University of Chicago are filed by external counsel/immigration attorneys
• Please speak with your Academic Affairs/HR Professional for departmental policies on LPR sponsorship
• Review the University’s current policy: http://humanresources.uchicago.edu/fpg/policies/200/p211.shtml
• Look for OIA’s annual “How to Obtain A Green Card” presentation
QUESTIONS???